

REMARKS/ARGUMENTS

This reply is responsive to the Office Action mailed on January 3, 2007. Reconsideration and allowance of the application and presently pending claims 1-13 are respectfully requested.

Present Status of the Patent Application

Claims 1-13 remain pending in the present application. Claims 1, 4, and 7 have been amended. Claims 14-16 have been cancelled. The amendments to the claims were made to render them more clear and definite and to emphasize the patentable novelty thereof. There is no intent to surrender equivalence. No new search should be required.

Interview with the Examiner

Examiner Jean Corrielus, Bernard Kleinke, and Scott Lohnes participated in a telephonic interview regarding the above-referenced patent application on April 3, 2007. The invention, claims, and prior art were discussed during the interview. A proposed amendment to claim 1 was provided to Examiner Corrielus for discussion during the interview. This claim was discussed in view of the written description requirement. After discussing the description in the specification and additional amendments to claim 1, Examiner Corrielus agreed that the amended claim would comply with the written description requirement.

Regarding the 35 U.S.C. §103 rejection, Examiner Corrielus agreed that the Perner article requires an availability date, and that he would search for the availability data or remove the article as a prior art reference.

Response to Claim Rejections Under 35 U.S.C. §112

Claims 1-16 have been rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Independent claims 1, 4, and 7 have been amended in accordance with the agreement with Examiner Corrielus reached during the interview as discussed above. Accordingly, this rejection should be withdrawn.

Claims 1-16 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 4, and 7 have been amended to delete the term "substantially" and to clarify the "profile definitions data". Accordingly, this rejection should be withdrawn.

Response to Claim Rejections Under 35 U.S.C. §101

Claims 14-16 have been rejected under 35 U.S.C. 101. Since claims 14-16 have been cancelled, this rejection is now moot and should be withdrawn.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 1, 4, and 7-16 have been rejected under 35 U.S.C. 103 as allegedly being unpatentable over Lazarus et al. (U.S. Patent No. 6,430,539) and Lars Perner article entitled "The Psychology of Consumers." Applicant believes independent claims 1, 4, and 7 are patentable over the prior art references. Furthermore, the Perner article does not disclose any information regarding classification trees and the only comparison is to a "reference group", i.e. no "comparing performance of the classification trees to determine the classification tree producing the optimal consumer cluster set." In addition, Examiner Corrielus has agreed to find an availability date for the Perner article or remove it as a prior art reference.

Claims 2, 3, 5, 6, and 13 have been rejected under 35 U.S.C. 103 as allegedly being unpatentable over Lazarus in view of Zhang article entitled "Classification Trees." Dependent claims 2 and 3, 5 and 6, and 13 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 4, and 7, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Dependent Claims

Dependent claims 2-3, 5-6, and 8-13 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 4, and 7, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 1-13 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-209-3063.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

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